

JOURNAL OF THE HOUSE.

Thursday, September 25, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Christopher John Dillon on receiving the Eagle Award of the Boy Scouts of America;

Resolutions (filed by Mrs. Canavan of Brockton and other members of the House) recognizing the fiftieth anniversary of Cardinal Spellman High School;

Resolutions (filed by Ms. Ehrlich of Marblehead) commending Shalane Flanagan on her outstanding performance at the 2008 Beijing Olympics;

Resolutions (filed by Mr. Kocot of Northampton) celebrating the thirtieth anniversary of the issuance of the Northampton Decree; and

Resolutions (filed by Messrs. Turner of Dennis, Atsalis of Barnstable and Perry of Sandwich) congratulating Glenn B. Coffin on the occasion of his retirement;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mr. DeLeo of Winthrop (by request), petition (accompanied by bill, House, No. 5103) of Thomas G. Ambrosino (mayor), (with the approval of the mayor and city council) that certain elective officials and employees convicted of criminal offenses be prohibited from serving in public office or employment in the city of Revere;

By Representative Stanley and Senator Tarr, joint petition (accompanied by bill, House, No. 5104) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) for legislation to increase the membership of the board of selectmen of the town of Newbury;

By the same members, joint petition (accompanied by bill, House, No. 5105) of Harriett L. Stanley and Bruce E. Tarr (by vote of the town) that the town of Newbury be authorized to establish a selectmen-administrator form of government; and

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By Mr. Vallee of Franklin, petition (accompanied by bill, House, No. 5106) of James E. Vallee and others (with the approval of the town council) that the town of Franklin be authorized to appropriate funds for the removal of overhead utilities and providing for the underground placement of such utilities;

Severally to the committee on Municipalities and Regional Government.

Severally sent to the Senate for concurrence.

Mr. O'Flaherty of Chelsea presented a petition (subject to Joint Rule 12) of Eugene L. O'Flaherty relative to the protection of children in the Commonwealth; and the same was referred, under Rule 24, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, then reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Walsh of Boston, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Judiciary. Sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12 and 9) of Jennifer M. Callahan and others for legislation to authorize the Aquarion Water Company to establish a water distribution and supply system in a certain area of the town of Sutton.

By the same member, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to require employers to adopt certain policies to further regulate harassment in the workplace.

By Mr. DeLeo of Winthrop, petition (subject to Joint Rule 12) of Robert A. DeLeo for legislation to further regulate the scrap metal business in the Commonwealth.

By Mr. Eldridge of Acton, petition (subject to Joint Rule 12) of James B. Eldridge for legislation to provide sprinkler systems in housing constructed for elderly persons.

By Mr. Fagan of Taunton, petition (subject to Joint Rule 12) of James H. Fagan that the Public Employee Retirement Administration Commission be directed to permit David Sennott to be employed by the Apponequet Regional School District, notwithstanding certain hourly restrictions.

By Mr. Guyer of Dalton and Senator Downing, joint petition (subject to Joint Rule 12) of Denis E. Guyer and Benjamin B. Downing relative to validating certain actions taken by the Central Berkshire Regional School District.

By Mr. Kulik of Worthington, petition (subject to Joint Rule 12) of Stephen Kulik and others relative to the number of signatures on nomination papers of candidates for elective offices of the regional government of Franklin County.

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano that the Department of Correction be authorized to establish a sick leave bank for Kenneth J. Murphy, an employee of said department.

By Representative McMurtry of Dedham and Senator Walsh, joint petition (subject to Joint Rule 12) of Marian Walsh and Paul McMurtry for legislation to designate a certain park in the town of Dedham as the Honorable Marie Louise Kehoe Memorial Park.

By Mr. Pignatelli of Lenox, petition (subject to Joint Rule 12) of William Smitty Pignatelli and others that the Division of Capital Asset

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Management and Maintenance be authorized to lease certain campus facilities of Berkshire Community College to the Family YMCA in the city of Pittsfield.

By Representative Stanley of West Newbury and Senator Tarr (with the approval of the mayor and city council), joint petition (subject to Joint Rule 12) of Harriett L. Stanley and Bruce E. Tarr for legislation to designate a certain bridge over the Little River in the town of Newbury as the William L. Plante Bridge.

By Mr. Vallee of Franklin, petition (subject to Joint Rule 12) of James E. Vallee for legislation to establish a sick leave bank for Amy Lee Stahl, an employee of the Department of Mental Retardation.

By Representative Verga of Gloucester and Senator McGee, joint petition (subject to Joint Rule 12) of Anthony J. Verga and Thomas M. McGee relative to the payment of life insurance premiums for members of the National Guard.

By Mr. Wallace of Boston, petition (subject to Joint Rule 12) of Brian P. Wallace for legislation to establish a sick leave bank for Claire Smallcomb, an employee of the Superior Court for Suffolk County.

Severally, under Rule 24, to the committee on Rules.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, asking to be discharged from further consideration of the Bill authorizing the State Board of Retirement to grant creditable service to Robert M. Penta (House, No. 4115), - - and recommending that the same be referred to the committee on Steering, Policy and Scheduling. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Election Laws to make an investigation and study of House document numbered 4889, concerning nomination signature requirements in the city of Boston (House, No. 5058), a Bill relative to signatures for nomination petitions for city councillor at large (House, No. 4889) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Moran of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to reporting on health effects of particulate matter (House, No. 2227) be scheduled for consideration by the House, with the amendment previously recommended by the committee on Ways and Means, - -that the bill be amended by substitution of a bill with the same title (House, No. 5042), -- pending.

Under suspension of Rule 7A, on motion of Ms. Provost of Somerville, the bill was read a second time forthwith.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill was ordered to a third reading.

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By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the city of Everett (House, No. 4762) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Moran of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing a group insurance liability fund in the town of Westwood (House, No. 4840) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Kafka of Stoughton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill establishing the office of town manager in the town of Upton (House, No. 4975) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Khan of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the establishment of the Needham center off-street parking fund (House, No. 5000) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Walsh of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill providing the terms of certain bonds and notes to be issued by the Commonwealth to finance broadband access, bridge repairs, higher education, transportation, energy and environmental needs and certain other general governmental needs of the Commonwealth (House, No. 5095) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Garballey of Arlington, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relative to noncontributory retirement benefits (House, No. 4221) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 5100). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to improve school campus air quality (Senate, No. 2628) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Gloria Phillips, an employee of the Department of Public Health (see Senate, No.

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2787, changed), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 9 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Designating the Fitchburg District Courthouse as the Gelinas Courthouse (see Senate, No. 2846) (which originated in the Senate); and

Establishing the Massachusetts Creative Economy Council (see House, No. 4965, amended) (which originated in the House);

In respect to each of which the Senate had concurred in adoption of the emergency preamble, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Engrossed Bills

Validating the action taken at the annual town election held in the town of Lanesborough (see House bill printed in House, No. 4250); and

Validating a certain election in the town of Medway (see House bill printed in House, No. 4545);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted (more than two-thirds of the members having agreed to pass the same); and they were signed by the acting Speaker and sent to the Senate.

Engrossed bills

Providing for the annual observance of Massachusetts Nonprofit Awareness Day (see Senate, No. 2679) (which originated in the Senate);

Relative to the supervision of limited purpose trust companies by the Commissioner of Banks (see House, No. 965);

Further regulating certain retirement benefits (see House, No. 2594);

Authorizing the establishment of the Nantucket Sewer Commission and Sewer Districts in the town of Nantucket (see House, No. 4213);

Relative to certain affordable housing in the city of Boston (see House, No. 4710);

Authorizing the town of Belmont to place a certain question relative to the granting of a club license for the sale of all alcoholic beverages in the town of Belmont (see House, No. 4757);

Relative to affordable housing in the town of Chelmsford (see House, No. 4758, amended);

Authorizing the town of Wayland to establish a department of public works (see House, No. 4759);

Relative to the department of finance in the town of Upton (see House, No. 4976); and

Authorizing the town of Maynard to borrow money for certain remediation work (see House, No. 5065);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

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Orders of the Day.

Senate bills

Authorizing a certain transfer of funds in the town of Kingston (Senate, No. 2690); and

Authorizing the town of Kingston to install, finance and operate wind energy facilities (Senate, No. 2691);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

The House Bill relative to land preservation in the town of Shrewsbury (House, No. 5032), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill authorizing the town of Westwood to grant a license for the sale of wines and malt beverages not to be drunk on the premises at a food store (see House, No. 4832) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Pending the question on passing the bill to be enacted, Mr. Galvin of Canton asked for a count of the House to ascertain if a quorum was in attendance.

A quorum not being present, under the provisions of Rule 82, the Chair (Mr. Donato of Medford), at one minute before twelve o'clock noon, declared an adjournment of the House until Monday next at eleven o'clock A.M., in an Informal Session.